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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/627,896	07/27/2000	Man Sung Co	GNN-5315DV1	2462

7590 04/10/2003

Finnegan Henderson Farabow Garrett & Dunner LLP  
1300 I Street N W  
Washington, DC 20005-3315

[REDACTED] EXAMINER

GAMBEL, PHILLIP

ART UNIT	PAPER NUMBER
1644	21

DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

BEST AVAILABLE COPY

<b>Advisory Action</b>	Application No. <u>09/627,626</u>	Applicant(s) CO <u>GAMBEL</u> (644)
—The MAILING DATE of this communication appears on the cover sheet with the correspondence address—		
<p>THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.</p>		
<u>PERIOD FOR REPLY [check either a) or b)]</u>		
<p>a) <input checked="" type="checkbox"/> The period for reply expires <u>3 months</u> from the mailing date of the final rejection.</p> <p>b) <input type="checkbox"/> The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.</p> <p>ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).</p>		
<p>Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</p>		
<p>1. <input type="checkbox"/> A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.</p> <p>2. <input checked="" type="checkbox"/> The proposed amendment(s) will <u>not</u> be entered because:</p> <ul style="list-style-type: none"> <li>(a) <input type="checkbox"/> they raise new issues that would require <u>further consideration and/or search</u> (see NOTE below);</li> <li>(b) <input checked="" type="checkbox"/> they raise the issue of new matter (see Note below); <u>Possible new matter</u></li> <li>(c) <input checked="" type="checkbox"/> they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or</li> <li>(d) <input type="checkbox"/> they present additional claims without canceling a corresponding number of finally rejected claims.</li> </ul> <p>NOTE: <u>NEWLY ALLOWED CLAIMS REQUIRING FURTHER SEARCH/CONSIDERATION AT LEAST A PORTION WITH RESPECT TO FURTHER AT LEAST A PORTION OF THE NEW CLAIMS IN COMMON WITH AT LEAST A PORTION . . .</u></p> <p>3. <input type="checkbox"/> Applicant's reply has overcome the following rejection(s): _____. <u>AT LEAST A PORTION . . .</u></p> <p>4. <input type="checkbox"/> Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</p> <p>5. <input checked="" type="checkbox"/> The a)<input type="checkbox"/> affidavit, b)<input type="checkbox"/> exhibit, or c)<input type="checkbox"/> request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>OF THE REASONS OF REJECTION</u>.</p> <p>6. <input type="checkbox"/> The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.</p> <p>7. <input checked="" type="checkbox"/> For purposes of Appeal, the proposed amendment(s) a)<input checked="" type="checkbox"/> will <u>not be entered</u> or b)<input type="checkbox"/> will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.</p> <p>The status of the claim(s) is (or will be) as follows:</p> <p>Claim(s) allowed: _____. <u>PHILLIP GAMBEL</u>  <u>PHILLIP GAMBEL, PH.D</u>  <u>PRIMARY EXAMINER</u>  <u>TELE CONTACT 6000</u>  <u>3/26/03</u></p> <p>Claim(s) objected to: _____. <u>PHILLIP GAMBEL</u>  <u>PHILLIP GAMBEL, PH.D</u>  <u>PRIMARY EXAMINER</u>  <u>TELE CONTACT 6000</u>  <u>3/26/03</u></p> <p>Claim(s) rejected: <u>1-4, 626</u></p> <p>Claim(s) withdrawn from consideration: _____. <u>PHILLIP GAMBEL</u>  <u>PHILLIP GAMBEL, PH.D</u>  <u>PRIMARY EXAMINER</u>  <u>TELE CONTACT 6000</u>  <u>3/26/03</u></p> <p>8. <input type="checkbox"/> The proposed drawing correction filed on _____ is a)<input type="checkbox"/> approved or b)<input type="checkbox"/> disapproved by the Examiner.</p> <p>9. <input type="checkbox"/> Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____. <u>PHILLIP GAMBEL</u>  <u>PHILLIP GAMBEL, PH.D</u>  <u>PRIMARY EXAMINER</u>  <u>TELE CONTACT 6000</u>  <u>3/26/03</u></p> <p>10. <input checked="" type="checkbox"/> Other: <u>SEQUENCE SUBMISSION IS IN COMPLIANCE WITH SEQ. RULES</u></p>		

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PTO-303 (Rev. 04-01)

#2/#7/#5

Advisory Action

Part of Paper No. 21

UPON A BRIEF REVIEW, IT APPEARS THAT APPLICANT'S AMENDMENT WITH THE HAWKINS DECLARATION, SEQUENCE SUBMISSION MIGHT PROVIDE SUFFICIENT SUPPORT TO OBLIGATE 112 1ST PARAGRAPH, IF ENTERED. HOWEVER THIS REQUIRES NEW SEARCH/CONSIDERATION. PHILLIP GAMBEL  
PHILLIP GAMBEL, PH.D  
PRIMARY EXAMINER  
TELE CONTACT 6000  
3/26/03

HOWEVER, NEWLY ALLOWED LIMITATIONS, PARTICULARLY "AT LEAST A PORTION" AND "IN COMMON" RAISE NEW ISSUES AND POSSIBLY NEW MATTER.

EXAMINER WILL CONSIDER APPLICANT'S ARGUMENTS CONCERNING PAPER 112, IF ENTERED. HOWEVER IT DOES NOT APPLICANT HAS ADDRESSED COMPUTER PROGRAMS IN DESIGNING HUMANIZED ABS. PAPER 2 NO. 21 IN PCTN ART. APPLICANT RAISES ISSUES OF 60%/80% IDENTITY SEQUENCE IDENTITY BUT DOES NOT INCLUDE WHETHER OR HOW THIS READS ON HOMOLOG OF PCTN ART AND CLAIMS